AN

ACT

For the more Speedy and Effectual Proceeding upon DISTRESSES and AVOVVRIES for RENT.

DUBLIN,
Printed by *Andrew Crook*, Printer to the Kings Moſt Excellent Majeſty, on *Ormonde-Key*, 1695.

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CHAP. XXII.

An Act for the more Speedy and Effectual Proceeding upon Diſtreſſes and Avowries for Rent.

FORASMUCH as the Ordinary Remedy for Arrearages of Rents is by Diſtreſs upon the Lands Chargeable therewith; and yet Nevertheleſs by reaſon of the Intricate and Dillatory proceedings upon Repleyin, that Remedy is become Ineffectual. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, With the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That whenever any Plantiff in Repleyin ſhall be Non-Suit before Iſſue Joyned in any Suit in Repleyin, by Plaint or Writt Lawfully Returned, Removed, or Depending in any of his Majeſties Courts at Dublin, or any Courts Palatine, or other Courts of Record Within this Kingdom. That the Defendant Avowant making a Suggeſtion in Nature of an Avowry or Conuſance for ſuch Rent, to Aſcertain the Court of the Cauſe of Diſtreſs, the Court upon his Prayer ſhall Award a Writt to the Sheriff of the County where the Diſtreſs was taken, to Inquire by the Oaths of Twelve Good and Lawful Men of the Baliwick, touching the Summ in Arrear at the time of ſuch Diſtreſs taken, and the value of the Goods or Cattle Diſtrained, and thereupon Notice of Fifteen Days ſhall be given to the Plantiff, or his Attorney

in Court of the Sitting of such Inquiry, and thereupon the Sheriff shall Inquire of the Truth of the matter Contained in such Writt, by the Oaths of Twelve Good and Lawful Men of his County; and upon the Return of such Inquisition the Defendant shall have Judgment to Recover against the Plantiff the Arrearages of such Rent, in Case the Goods or Cattle Distrained shall amount unto the Value; and in Case they shall not amount to that Value, then so much as the Value of the said Goods and Cattle so Distrained shall amount unto, together with his full Costs of Suit; and shall have Execution thereupon by Fieri facias, or Elegit, or otherwise, as the Law shall Require: And in Case such Plantiff shall be Nonsuite, after Connuzance or Avowry made, and Issue Joyned, or if the Verdict shall be given against such Plantiff, then the Jurors that are Impannelled or Returned to Inquire of such Issue shall at the Prayer of the Defendant Inquire concerning the Summ of the Arrears, and the Value of the Goods or Cattle Distrained; And thereupon the Avowant, or he that makes Cognizance shall have Judgment for such Arrearages, or so much thereof as the Goods or Cattle Distrained amount unto, together with full Costs; and shall have Execution for the same by Fieri facias, or Elegit, or otherwise, as the Law shall Require.

And be it further Enacted by the Authority aforesaid, That if Judgment in any of the Courts aforesaid, be given upon Demurrer for the Avowant, or him that makes Cognizance for any Rent, the Court shall at the Prayer of the Defendant

fendant Award a Writt to Inquire of the Value of such Distress, and upon the Return thereof Judgment shall be given for the Avowant, or him that makes Cognizance, as aforesaid; For the Arrears Alledged to be behind in such Avowry or Cognizance if the Goods or Cattle so Distrained shall amount to the Value; And in Case they shall not amount to that Value, then for so much as the said Goods or Cattle so Distrained amount unto, together with his full Costs of Suit, and shall have like Execution as aforesaid.

Provided always, and be it Enacted, That in all Cases aforesaid, where the Value of the Cattle Distrained, as aforesaid, shall not be found to be to the Value of the Arrears Distrained for, that the Party to whom such Arrears were Due, his Executors or Administrators may from time to time Distrain again for the Residue of the said Arrears.

And whereas no Sheaves or Cocks of Corn, Loose, or in the Straw, or Hay in any Barn or Granary, or in any Hovell, Stack or Rick can by the Law be Distrained, or otherwise secured for Rent, whereby Landlords are oftentimes Deceived by their Tennants, who Sell their Corn, Grain and Hay to Strangers, and Remove the same from the premisses Chargable with such Rent, and thereby avoid the payment of the same.

Be it further Enacted by the Authority aforesaid, That for Remedying the said Practice and Deceit, it shall and may from henceforth be Lawful to and for any Person or Persons, having Rent Arrear and Due upon any Demise,

Lease, or Contract, to Seize and Secure any Sheaves or Cocks of Corn, or Corn Lose, or in the Straw or Hay, lying, or being in any Barn or Granary, or upon any Hovell, Stack or Rick, or otherwise, upon any part of the Land or Ground Charged with such Rent, and to Lock up, or Distrain the same in the place where the same shall be found, for, or in the Nature of a Distress, untill the same shall be Replevied upon good Security to be given to the Sheriff, as aforesaid. And in Case such Distress shall not be Replevied or owned within the space of Eight Days next after the taking thereof, then the same to be Appraised and Sold according to the Laws and Customs of this Kingdom.

Provided Neverthelesse that such Corn, Grain, or Hay so Distrained, as aforesaid, be not Removed by the Person or Persons Distraining to the Damage of the Owner thereof, out of the place where the same shall be found and Seized, but be kept there as Impounded, untill the same shall be Replevied or Sold, as aforesaid. And in Case any Replevin shall be brought for such Sheaf or Sheaves of Corn or Grain, or Hay, if the Plantiff in such Replevin shall be Nonsuit, either before or after Appearance, or a Verdict pass against him, or Judgment be given against him, upon Demurrer, as aforesaid, in all such Cases such Proceedings to be by Inquisition or Fineing of the Jury at the Barr upon like Suggestion to be made in the Connuzance or Avowry, and like Execution in such Cases to be Awarded.

And be it further Enacted, by the Authority aforesaid,

aforesaid, That upon any Pound-Breach, or Rescue of Goods and Chattles Distrained for Rent, the Person or Persons grieved thereby shall in a Special Action upon the Case, for the Wrong thereby Sustained, Recover his and their Treble Damages and Costs of Suit, against the Offender or Offenders, in any such Rescue or Pound-Breach, any, or either of them, or against the Owners of the Goods Distrained, in Case the same be afterwards found to have come to his Use or Possession.

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